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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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12 || ORACLE AMERICA, INC.,

13 Plaintiff,

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vs.

15 | GOOGLE, INC.,

16 || Defendant.

Case No. C 10-3561 WHA

**DECLARATION OF DR. JAMES R.  
KEARL IN SUPPORT OF RESPONSE OF  
DR. JAMES R. KEARL, RULE 706  
EXPERT, TO ORACLE'S MOTION IN  
LIMINE #6 REGARDING RULE 706  
EXPERT**

Dept.: Courtroom 8, 19th Floor  
Judge: Hon. William H. Alsup

I, James R. Kearl, declare as follows:

1. By Orders dated August 30, 2011 (Dkt. 374) and September 9, 2011 (Dkt. 413) I  
was appointed by this Court pursuant to Rule 706 of the Federal Rules of Evidence to serve as an  
independent expert on the issue of damages claimed by plaintiff Oracle America, Inc. in the  
present action. My biographical information and credentials are set forth in my expert report  
dated March 21, 2012 which has been previously served on the parties.

26       2. Attached hereto as Exhibit A are true and correct copies of excerpts from Expert  
27 Report of Professor James R. Kearl (Corrected March 21, 2016).

3. Attached hereto as Exhibit B are true and correct copies of excerpts from the

1 transcript of the Video Deposition of James R. Kearl, Ph.D., dated March 23, 2016.  
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3 I declare under penalty of perjury under the laws of the State of Utah that the foregoing is  
4 true and correct.

5 Executed this 8<sup>th</sup> day of April 2016 at Provo, Utah.

6 \_\_\_\_\_  
7 /s/ *James R. Kearl*  
James R. Kearl

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10 I hereby attest that I have on file all holograph signatures for any  
11 signatures indicated by a "conformed" signature (/s/) within this  
e-filed document.

12 \_\_\_\_\_  
13 /s/ *John L. Cooper*  
John L. Cooper

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